

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GARY ZIERKE,

Defendant.

4:08-CR-3067

ORDER

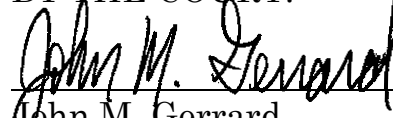
The defendant was convicted in 2009 of one count of conspiracy to distribute methamphetamine mixture and one count of distributing methamphetamine mixture. Filing 151. The jury specifically found that the conspiracy involved 50 grams or more of methamphetamine mixture, as charged in the indictment. Filing 117 at 2; filing 1 at 1. As a result of the jury's finding, the defendant faced a sentence on Count I of 5 to 40 years' imprisonment. See filing 144 at 26 (citing 21 U.S.C. § 841(b)(1)(B)). The Court sentenced the defendant within the statutory range authorized by the jury's verdict: 360 months' imprisonment. Filing 151.

For the reasons explained in the Court's order of August 18, 2025 (filing 464), the defendant's arguments regarding drug weight and the sentencing guidelines lack merit. For those reasons,

IT IS ORDERED that the defendant's motion to reconsider (filing 465) is denied.

Dated this 4th day of September, 2025.

BY THE COURT:



John M. Gerrard

Senior United States District Judge